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EXAMINER	
KOHUT, DAVID M	

ART UNIT	PAPER NUMBER
3691	

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/015,007	SANTOSUOSSO, JOHN MATTHEW	
	Examiner	Art Unit	
	David M. Kohut	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 December 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: figure 4 does not reference character reference "316". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "10". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

a. Page 6, line 6, change "an" to "a";

b. Page 9, line 3, insert reference numeral "54" after "RAM";

c. Page 9, line 4, insert reference numeral "52" after "storage memory device";

d. Page 10, line 19, change "than" to "then";

e. Page 11, line 6, insert reference numeral "40" after "application server";

f. Page 12, line 1, insert reference numeral "40" after "the server";

g. Page 13, line 30, insert reference numeral "316" after "terminates";

h. Page 14, line 2, insert reference numeral "62" after "database";

i. Page 14, line 3, insert reference numeral "40" after "application server";

j. Page 14, line 7, insert "as" between "set" and "a";

k. Page 14, line 14 and line 26, remove "be" and remove the "d" from "described";

l. Page 15, lines 2 and 20, insert reference numeral "62" after "database";

m. Page 15, line 5, remove "independently";

n. Page 15, lines 7, 8, and 18 (in two places), insert reference numeral "40" after "server";

o. Page 15, lines 12 and 15, insert reference numeral "50" after "application processor";

p. Page 15, line 13, insert reference numeral "500" after "program";

q. Page 15, line 30, insert reference numeral "95" after "application";

r. Page 16, line 2, insert "proceed to" between "then" and "step";

s. Page 16, lines 4 and 11, insert reference numeral "62" after "database";

t. Page 16, line 6, insert reference numeral "95" after "program";

u. Page 16, line 24, insert reference numeral "40" after "application server".

Appropriate correction is required.

Claim Objections

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

v. Claim 2, line 1, remove "a" and insert "the" in front of "seller";

w. Claim 3, line 3, remove "a" and insert "the" in front of "seller";

x. Claim 5, line 3, insert "the" in front of "submitted bids";

y. Claim 6, line 4, insert "the " in front of "submitted bids";

z. Claim 7, line 4, insert "the " in front of "submitted bids";

aa. Claim 8, lines 3-4, insert "the " in front of "submitted bids", change "an auction" to "the auction", and change "the auction manager" to "an auction manager";

bb. Claim 9, line 5, insert "the" in front of "user";

cc. Claim 13, line 7, change "an" to "a";

dd. Claim 14, line 2, change "a user" to "the user";

ee. Claim 15, line 3, change "an auction" to "the auction" and "allowing a" to "allowing the";

ff. Claim 18, line 4, insert "the" before "bids";

gg. Claim 19, line 8, change "an auction" to "the auction";

hh. Claim 19, line 22, change "a submitted bid" to "the submitted bid".

4. Claims 1 and 9 are objected to because of the following informalities:

ii. Claim 1, line 4, "...setting at least..." needs to start on a separate line and be indented;

jj. Claim 1, line 7, "...automatically..." needs to start on a separate line and be indented;

kk. Claim 9, line 2, "...a memory..." needs to start on a separate line and be indented;

ll. Claim 9, line 6, "...a processor..." needs to start on a separate line and be indented;

mm. Claim 9, line 11, "...automatically precluding..." needs to start on a separate line and be indented;

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington et al., U.S. Patent No. 6,161,099, reference A on the attached PTO-892 in view of Lucking-Reiley, David, *Auctions on the Internet: What's Being Auctioned, and How?*, September 2000, *The Journal of Industrial Economics*, Volume XLVIII, No. 3, page 244, reference U on the attached PTO-892.

7. As per claim 1, Harrington et al. teaches a computer-implemented method for controlling an auction event between a plurality of computer systems on a multi-user and interactive network, i.e. an apparatus and process for conducting auctions over electronic networks (see abstract, lines 1-3 of Harrington et al.); the method comprising the steps of: setting at least one parameter value for use in precluding submitted bids of one or more bidders, i.e. the present invention also provides for verifying that each bid is in conformance with predetermined bid parameters (see column 4, lines 56-57 of Harrington et al).; and, automatically precluding submitted bids from users at other computer systems on the network during the auction event that are identified by the set parameter value, i.e. the bid verification may include automatically refusing acceptance of submitted bids that do not conform to predetermined bid parameters (see column 4, lines 60-62 of Harrington et al.). However, Harrington et al. does not teach the portion of the method where the seller identifies the parameter value. Lucking-Reiley, however, does teach the method of setting at least one parameter value for use in precluding submitted bids of one or more bidders by a seller identifying the parameter value when registering for an auction at one computer system, i.e. on listing-agent sites, the individual seller chooses "a minimum acceptable bid amount" as a parameter in the auction listing (see page 244, lines 9-11 of Lucking-Reiley). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Harrington et al. One of ordinary skill in the art would have been motivated to incorporate this feature so that if the highest bid does not exceed the amount of the reserve price, then the good will not be sold (see page 244, lines 13-14 of Lucking-Reiley).

8. As per claim 2, Harrington et al. and Lucking-Reiley teach the method of claim 1 as described above. Harrington et al. further teaches the method wherein the seller sets the at least one parameter value by an item registration mechanism when registering the auction at the one computer system for the auction event, i.e. the Administration menu is used to create, modify or terminate auctions (see column 11, lines 63-65 of Harrington et. al.).

9. As per claim 3, Harrington et al. and Lucking-Reiley teach the method of claim 2 as described above. Harrington et al. further teaches the method wherein the setting of the at least one parameter value and the registering for an auction event is achieved by allowing a seller to use a user interface, i.e. the auctioneer maintains a web site from which information about bonds to be auctioned can be obtained and the website contains a user interface (see abstract and figure 2 of Harrington et al., lines 4-6).

10. As per claim 4, Harrington et al. and Lucking-Reiley teach the method of claim 2 as described above. Harrington et al. further teaches the method comprising the step of configuring a bid monitoring mechanism with the set parameter value, i.e. the bid verification may include automatically refusing acceptance of submitted bids that do not conform to predetermined bid parameters (see column 4, lines 56-60 of Harrington et al.).

11. As per claim 5, Harrington et al. and Lucking-Reiley teach the method of claim 4 as described above. Harrington et al. further teaches the method wherein the set parameter value specifies a preclusion date attribute such that the bid monitoring mechanism will preclude submitted bids before the preclusion date during the auction, i.e. the process further includes accepting bid submissions only during a predetermined time period (see column 15, lines 50-53 (Claim 14) of Harrington et al.).

12. As per claim 6, Harrington et al. and Lucking-Reiley teach the method of claim 4 as described above. Lucking-Reiley further teaches the method wherein the set parameter value specifies a preselected bid amount attribute wherein that the bid monitoring mechanism will preclude from consideration submitted bids below the preselected amount during the auction, i.e. the individual seller chooses a minimum acceptable bid amount as a parameter in the auction listing where below which no bids will be accepted (see page 244, lines 9-11 of Lucking-Reiley). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Harrington et al. One of ordinary skill in the art would have been motivated to incorporate this feature so that if the highest bid does not exceed the amount of the reserve price, then the good will not be sold (see page 244, lines 13-14 of Lucking-Reiley).

13. As per claim 7, Harrington et al. and Lucking-Reiley teach the method of claim 4 as described above. Harrington et al. further teaches the method wherein a plurality of parameter values are set by the item registration mechanism for configuring the bid monitoring mechanism so that submitted bids will be precluded if at least one of the plurality of set parameter values is not identified by the bid monitoring mechanism during the auction, i.e. the present invention also provides for verifying that each bid is in conformance with predetermined bid parameters (see column 4, lines 56-58 of Harrington et al.).

14. As per claim 8, Harrington et al. and Lucking-Reiley teach the method of claim 7 as described above. Harrington et al. further teaches the method wherein the plurality of parameter values which are set relate to precluding submitted bids from being accepted during an auction by the auction manager, i.e. a user selects the submit button and the bid is verified as conforming

to the bid parameters and if confirmed, the bid will be electronically submitted to the auctioneer computer (where if not confirmed, the bid is obviously not submitted to the auctioneer computer)(see column 10, lines 42-43 and 47-48 of Harrington et al.).

15. As per claim 9, Harington et al. teaches a computer system adapted for use in a network, the computer system comprising: a memory containing an item registration application which accepts user input regarding an auction i.e. the auctioneer is provided with a computer/server connected to a network such as the Internet and the auctioneer maintains a web site on the Internet through the server that may be accessed by users where the source code resides on the auctioneer's computer (see column 6, lines 40-43 and 56-57 of Harrington et al.); and a bid monitoring application, the bid monitoring application is configurable by user input to the item registration application, i.e. the selected bid information is predetermined by the issuer prior to the auction and is updated continuously throughout the auction (see column 9, lines 11-13 of Harrington et al.); and, automatically precluding bids from a user at another computer system on the network during the auction even that is identified by the set parameter value, i.e. the present invention also provides for verifying that each bid is in conformance with predetermined bid parameters and the bid verification may include automatically refusing acceptance of submitted bids that do not conform to predetermined bid parameters (see column 4, lines 56-58 and 60-62 of Harrington et al.). However, Harrington et al. does not explicitly teach the portion of the method where the seller identifies the parameter value. Lucking-Reiley, however, does teach the method of setting at least one parameter value for use in precluding submitted bids of one or more bidders by a seller identifying the parameter value when registering for an auction using the item registration application, i.e. on listing-agent sites, the individual seller chooses "a

minimum acceptable bid amount" as a parameter in the auction listing (see page 244, lines 9-11 of Lucking-Reiley). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Harrington et al. One of ordinary skill in the art would have been motivated to incorporate this feature so that if the highest bid does not exceed the amount of the reserve price, then the good will not be sold (see page 244, lines 13-14 of Lucking-Reiley).

16. As per claim 10, Harrington et al. and Lucking-Reiley teach the method of claim 9 as described above. Harrington et al. further teaches the system wherein the at least one parameter value set by the item registration application is a preclusion date, i.e. accepting bid submission with said auctioneer's computer only during a predetermined auction time period (see column 17, lines 30-32 (claim 35) of Harrington et al.).

17. As per claim 11, Harrington et al. and Lucking-Reiley teach the method of claim 9 as described above. Lucking-Reiley further teaches the system wherein the at least one parameter value set by the item registration application is a preclusion bid amount, i.e. the individual seller chooses a minimum acceptable bid amount as a parameter in the auction listing (see page 244, lines 9-11 of Lucking-Reiley). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Harrington et al. One of ordinary skill in the art would have been motivated to incorporate this feature so that if the highest bid does not exceed the amount of the reserve price, then the good will not be sold (see page 244, lines 13-14 of Lucking-Reiley).

18. As per claim 12, Harrington et al. and Lucking-Reiley teach the method of claim 9 as described above. Harrington et al. further teaches the system wherein the user sets a plurality of

parameter values wherein...a second parameter value is a preclusion date amount, i.e. the present invention provides for verifying that each bid is in conformance with predetermined bid parameters (see column 4, lines 56-58 of Harrington et al.) and bid submissions are only accepted with said auctioneer's computer only during a predetermined auction period (see column 17, lines 30-32 (claim 35) of Harrington et al.). However, Harrington et al. does not explicitly teach the system where one parameter value is a preclusion bid amount. Lucking-Reiley, however, does explicitly teach the system wherein one of the parameter values is a preclusion bid amount, i.e. the individual seller chooses a minimum acceptable bid amount as a parameter in the auction listing (see page 244, lines 9-11 of Lucking-Reiley). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Harrington et al. One of ordinary skill in the art would have been motivated to incorporate this feature so that if the highest bid does not exceed the amount of the reserve price, then the good will not be sold (see page 244, lines 13-14 of Lucking-Reiley).

19. As per claim 19, Harrington et al. teaches a computer network implemented method of processing an online auction event in a multi-user networked environment, between a plurality of bidder client computer systems, an internet service provider server computer system, and a seller at a client computer system, i.e. the present invention is directed to a computer implemented process comprised of the steps of: establishing communications over a network between an auctioneer's computer and a plurality of bidders' computers; providing information regarding financial instruments to be sold to potential bidders (see column 4, lines 34-38 of Harrington et al.); comprising the steps of: receiving at the server a request from a seller client computer system for an auction to sell a good and/or service, i.e. providing information regarding financial

instruments to be sold to potential bidders (see column 4, lines 38-39 of Harrington et al.); the server comprising a main memory including: an item registration application and a bid monitoring application, i.e. the auctioneer maintains a web site on the Internet through the server that may be accessed by users and the bid verification may include automatically refusing acceptance of submitted bids that do not conform to predetermined bid parameters (see column 6, lines 41-43 and column 4, lines 56-62 of Harrington et al.); a processor and database storage for identifying and tracking files associated respectively with the seller and bidders, i.e. during the auction the auctioneer's server broadcasts or otherwise makes available selected bid information such as bidder status, or the current highest bid and, if desired, the identity of the current highest bidder and the auctioneer's computer also maintains a database of all bids which can be accessed by interested parties for their own use (see column 5, lines 20-24 and 37-39 of Harrington et al.); receiving seller information at the server through the item registration application which information is stored in the database storage, i.e. auction terms and conditions, and a description of the instruments to be auctioned, are broadcast or otherwise made available by the auctioneer's server to the bidder's computers where the computer maintains a database (see column 5, lines 17-20 and 37 of Harrington et al.); and monitoring submitted bids at the server from bidder clients by cross referencing the submitted bids in accordance with the set parameter value in the database for determining automatically if a submitted bid is to be automatically (removed) from being considered in the auction event, i.e. the present invention provides for verifying that each bid is in conformance with predetermined bid parameters and automatically refusing acceptance of submitted bids that do not conform (see column 4, lines 56-62 of Harrington et al.). However, Harrington et al. does not explicitly teach the seller setting

the parameter. Lucking-Reiley, however, does explicitly teach at least one parameter value that is set by the seller and which set value is used for configuring the bid monitoring application, i.e. the individual seller chooses a minimum acceptable bid amount as a parameter in the auction listing (see page 244, lines 9-11 of Lucking-Reiley) which the bids are verified for conformance (see column 4, lines 56-57 of Harrington et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Harrington et al. One of ordinary skill in the art would have been motivated to incorporate this feature so that if the highest bid does not exceed the amount of the reserve price, then the good will not be sold (see page 244, lines 13-14 of Lucking-Reiley).

20. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington et al., U.S. Patent No. 6,161,099, reference A on the attached PTO-892 in view of Lucking-Reiley, David, *Auctions on the Internet: What's Being Auctioned, and How?*, September 2000, *The Journal of Industrial Economics*, Volume XLVIII, No. 3, page 244, reference U on the attached PTO-892, and Danneels et al., U.S. Patent No. 6,272,472 B1, reference B on the attached PTO-892.

21. As per claim 13, Harrington et al. teaches a process directed to facilitate exclusion of bids automatically prior to bids being entered during an online auction on a computer network, i.e. the present invention is directed to a computer-implemented process comprised of the steps of: establishing communications over a network between an auctioneer's computer and a plurality of bidders' computers wherein each bid is verified in conformance with predetermined bid parameters and submitted bids that do not conform with the parameters are automatically refused (see column 4, lines 34-38 and 56-62 of Harrington et al.); automatically precluding bids from

users at other computer systems on the network during the auction event that are identified by the set parameter value, i.e. the present invention also provides for verifying that each bid is in conformance with predetermined bid parameters and automatically refused to accept the submitted bids that do not conform to the parameters (see column 4, lines 56-62 of Harrington et al.). However, Harrington et al. does not explicitly teach a computer program that is contained on a computer readable medium or the setting of the parameter by a user. Lucking-Reiley however does teach this product. Lucking-Reiley teaches the method to allow an user to set at least one parameter value for use in precluding bids of one or more bidders by a seller identifying the parameter value when registering for an auction at one computer system on a network, i.e. on listing-agent sites, the individual seller chooses "a minimum acceptable bid amount" as a parameter in the auction listing (see page 244, lines 9-11 of Lucking-Reiley). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Harrington et al. One of ordinary skill in the art would have been motivated to incorporate this feature so if the highest bid does not exceed the amount of the reserve price, then the good will not be sold (see page 244, lines 13-14 of Lucking-Reiley). In addition, neither Harrington et al. nor Lucking-Reiley teach the computer program product comprising a machine-readable medium. Danneels et al., however, teaches a computer program product comprising a medium readable by a computer, the computer readable medium having a computer code, i.e. computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie

obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Harrington et al. and Lucking-Reiley. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

22. As per claim 14, Harrington et al., Lucking-Reiley, and Danneels et al. teach the product of claim 13 as described above. Harrington et al. further teach the computer program product wherein a user sets the at least one parameter value by an item registration mechanism when registering the auction at the one computer system for the auction event, i.e. the Administration menu is used to create, modify or terminate auctions (see column 11, lines 63-65 of Harrington et. al.).

23. As per claim 15, Harrington et al., Lucking-Reiley, and Danneels et al. teach the product of claim 13 as described above. Harrington et al. further teaches the computer program product wherein the setting of the at least one parameter value and the registering for an auction event is achieved by allowing a user to use a graphical user interface, i.e. the auctioneer maintains a web site from which information about bonds to be auctioned can be obtained and the website contains a user interface (see abstract and figure 2 of Harrington et al., lines 4-6).

24. As per claim 16, Harrington et al., Lucking-Reiley, and Danneels et al. teach the product of claim 15 as described above. Harrington et al. further teaches the product comprising a bid monitoring mechanism that is configurable with the set parameter value, i.e. the present invention also provides for verifying that each bid is in conformance with predetermined bid parameters (see column 4, lines 56-58 of Harrington et al.).

25. As per claim 17, Harrington et al., Lucking-Reiley, and Danneels et al. teach the product of claim 16 as described above. Harrington et al. further teaches the product wherein the set parameter value specifies a preclusion date attribute such that the bid monitoring mechanism will preclude submitted bids before the preclusion date from being entered during the auction, i.e. accepting bid submissions only during a predetermined time period (see column 15, lines 50-53 (Claim 14) of Harrington et al.).

26. As per claim 18, Harrington et al., Lucking-Reiley, and Danneels et al. teach the product of claim 17 as described above. Lucking-Reiley further teaches the product wherein the set parameter value specifies a preselected bid amount attribute wherein that the bid monitoring mechanism will preclude from consideration submitted bids below the preselected amount during the auction, the individual seller chooses a minimum acceptable bid amount as a parameter in the auction listing, below which no bids will be accepted (see page 244, lines 9-11 of Lucking-Reiley). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Harrington et al. One of ordinary skill in the art would have been motivated to incorporate this feature so that if the highest bid does not exceed the amount of the reserve price, then the good will not be sold (see page 244, lines 13-14 of Lucking-Reiley).

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Kohut, Esq. whose telephone number is 571-270-1369. The examiner can normally be reached on M-Th 730-5 w/1st Fri off. 2nd Fri 730-4.

2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Nolan can be reached on 571-272-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DMK
11/07/2006

PATRICK J. NOLAN, PH.D.
SUPERVISORY PATENT EXAMINER